

**REMARKS**

The Examiner's comments have been carefully noted. The above amendments and these remarks are submitted in response thereto, and applicants respectfully request that all claims be allowed.

1. Support. Support for Claims 1, 23, and 44 and families may be found in the application page 4, line 1 - page 5, line 11. Support for claims 9, 29 and 49 and families may be found in the application at page 4, line 1 - page 5, line 11. Support for claims 14, 35, and 54 and families may be found in the application at page 4, line 1 - page 5, line 11, Figs. 1 and 2 and page 22, line 20 - page 23, line 2. Support for amendments to claims 18, 39, and 58 and families may be found in the application at page 4, line 1 - page 5, line 11; Figs. 1 and 2; and page 22, line 20 - page 23,, line 2.

2. Amendments. All claims have been amended either directly or according to the claims from which they depend.

Claims 1, 23 and 44, and families, which relate to sending hot key signals informing of available content in the context of advertisements, have been amended to require, among other things, that a determination be made which results in a hot key signal independent of any request by a user for the available content, but based at least in part on a search for available

content having subject matter related to subject matter of the advertisement being viewed by the user when the search is conducted.

Claims 9, 29 and 49, and families, which relate to sending hot key signals informing of available content in the context of electronic program guides, have been amended to require, among other things, that a determination be made which results in a hot key signal independent of any request by the user for the available content, but based at least in part on a search for available content having subject matter that is related to subject matter of the portion of the electronic program guide being viewed by the user at the time the search is conducted.

Claims 14, 35 and 54 and families, which relate to receiving hot key signals informing of available content in the context of advertisements, have been amended to require, among other things: (1) that a determination be made, relative to display of a hot key, independent of any request by a user for the available content, but based at least in part on whether the available content is related to the advertisement being viewed by the user, whether the hot key signal is relevant to the user; and (2) that at least part of the content of a message field in the hot key signal be displayed upon acceptance of the hot key by the user.

Claims 18, 39 and 58, and families, which relate to receiving hot key signals informing of available content in the context of electronic program guides, have been amended to require, among other things: (1) that a determination be made, relative to display of a hot key, independent of any request by a user for the available content, but based at least in part on whether the available content is related to the advertisement being viewed by the user, whether the hot key signal is relevant to the user; and (2) that at least part of a message field in the hot key signal be displayed upon acceptance of the hot key by the user.

3. 35 U.S.C. § 102 Rejections.

The Office Action applies U.S. Pub. No. US2007/0124763 published May 31, 2007 to Ellis (Ellis), to claims 9-12, 18-19, 22, 29-33, 39-40, 43, 49-52, 58-59 and 62, which relate to electronic program guides.

The cited portions of Ellis disclose targeting criteria based on user-set reminders. See Ellis, ¶¶ [0015], [0070-0074]. It is also true that portions of Ellis not cited and applied disclose that targeted messages may be sent based on services to which a user subscribes, or settings in an electronic programming guide, parental control settings or "any other suitable criteria". Ellis, ¶¶ [0013], [0062], Abstract.

However, Ellis does not disclose or suggest that a targeted message be sent based on a determination which results in a hot key signal independent of any request by the user for the available content, but based at least in part on a search for available content having subject matter that is related to subject matter of the portion of the electronic program guide being viewed by the user at the time the search is conducted. Accordingly, applicants respectfully request that the 35 U.S.C. § 102 rejection of amended claims 9-12, 29-33 and 49-52 be reconsidered and withdrawn.

Nor does Ellis disclose or suggest receiving of a targeted message (1) where a determination is made relative to display of a hot key, independent of any request by a user for the available content, but based at least in part on whether the available content is related to the advertisement being viewed by the user or the electronic program guide being viewed by the user, whether the hot key signal is relevant to the user; or (2) wherein at least part of a message field in the hot key signal be displayed upon acceptance of the hot key by the user. Accordingly, applicants respectfully request that the 35 U.S.C. § 102 rejection of amended claims 18, 19, 22, 39, 40, 43, 58, 59 and 62 be reconsidered and withdrawn.

In view of the foregoing, it is respectfully requested that the 35 U.S.C. § 102 rejection of amended claims 9-12, 18-19, 22, 29-33, 39-40, 43, 49-52, 58-59 and 62 be withdrawn.

4. Obviousness rejections. The Office Action rejects the remainder of the claims under 35 U.S.C. § 103 as obvious in view of combinations of Ellis, U. S. Pub. No. US2004/0049785 published March 11, 2004 to Grzeczowski (Grzeczowski), U.S. Pub. No. 2006/0190966 dated August 24, 2006 to McKissick (McKissick) and USPN 7,100,183 issued August 29, 2006 to Kunkel et al. (Kunkel).

None of Ellis, Grzeczowski, McKissick, or Kunkel disclose or suggest, singly or in combination, systems or processes related to sending hot key signals that make a determination which results in a hot key signal independent of any request by a user for the available content, but based at least in part on a search for available content having subject matter related to subject matter of the advertisement (claims 1, 23 and 44 and families) or an electronic program guide (claims 9, 29 and 49) being viewed by the user when the search is conducted.

Nor do Ellis, Grzeczowski, McKissick, or Kunkel disclose or suggest, singly or in combination, systems or processes related to receiving hot key signals that (1) make a determination relative to display of a hot key, independent

of any request by a user for the available content, but based at least in part on whether the available content is related to the advertisement being viewed by the user (claims 14, 35 and 54 and families) or the electronic program guide being viewed by the user (claims 18, 39 and 58 and families), whether the hot key signal is relevant to the user; and (2) employ a hot key signal wherein at least part of the content of a message field in the hot key signal be displayed upon acceptance of the hot key by the user (claims 14, 35 and 54 and families in the context of advertisements; claims 18, 39 and 58 and families in the context of electronic program guides).

Instead, the cited portions of Ellis disclose targeting criteria based on user-set reminders, see Ellis, ¶¶ [0015], [0070-0074], as well as targeted messages based on services to which a user subscribes, or settings in an electronic programming guide, parental control settings or "any other suitable criteria". Ellis, ¶¶ [0013], [0062], Abstract.

Kunkel, rather than relating to sending or displaying hot keys based on whether available content is related to the advertisement or electronic programming guide being viewed by the user, instead focuses on using demographics for targeting criteria. See e.g. Kunkel Col. 4, ll. 33-47.

Grzeczowski is in the context of alerts, such as traffic, school,

organization and weather alerts, rather than content being viewed by the user. Grzeczowski ¶¶0002.

McKissick is in the context of user messages sent by one user to other users. There, in the paragraph cited in the Office Action, McKissick discloses a peer to peer messaging system that allows a user to send a message to other users who are watching the same program as the user. McKissick ¶¶0130. See also, McKissick ¶¶0130-0134; Figs. 19, 20. It is true that another embodiment disclosed in McKissick allows a user to send another user a reminder message that can be accepted to tune the recipient's set top box to the channel in the reminder. McKissick ¶¶0114-0129, Figs. 14 – 17. However, there, the recipient is not targeted based on content the recipient is viewing, but rather, an item that the sender selects from a program guide that is displayed on the sender's unit. *Id.* Accordingly, McKissick fails to disclose or suggest the elements recited in all pending claims as amended.

Accordingly, Ellis, Kunkel, Grzeczowski and McKissick fail, singly or in combination, to disclose or suggest the elements of the claims as amended.

Additionally, there is no reason to combine Ellis, Kunkel, Grzeczowski or McKissick to arrive at the idea of sending hot key signals and displaying hot keys based on relating available content to an advertisement or electronic programming guide the user is viewing, as claimed in the amended claims.

Instead, those references diverge in different directions for purposes of targeting messages or notifications: Ellis focuses generally on targeting messages based on what the user subscribes to, user requests, or settings. Kunkel targets generally based on demographics. Grzeczowski focuses generally on sending alerts such as traffic, organization, school and weather alerts. McKissick focuses on one user messaging another user. Although these references teach targeting based on various criteria, the criteria point in different directions and do not in any event converge to suggest that a notification determination should be made by relating available content to an advertisement or electronic program guide the user is viewing.

Additionally, Ellis's user requests and settings-based targeting, and targeting based on what the user subscribes to, lacks the immediately-relevant aspect of determinations according to the claims as amended, which notify users based on what they are viewing. The same is true for Kunkel's demographics-based targeting. Grzeczowski's alerts do pertain to the immediate, but they focus on things external to the user, such as traffic, organization, school and weather conditions. McKissick's peer-to-peer system can also pertain to the immediate, but instead focus on what a person other than the recipient is viewing. Accordingly, for all these reasons, there is lacking in the record any reason to combine features of these



references to arrive at the inventions defined in the amended claims. For the same reasons, because the references diverge in various directions in determining what to notify a user of and how to do it, the references teach away from the claims as amended.

For the foregoing reasons, applicants respectfully request that the obviousness rejections of the pending claims be reconsidered and withdrawn.

#### **Identification of Other Applications**

This application relates to:

- (1) USSN 10/610,776 filed June 30, 2003,
- (2) USSN 10/742,700 filed December 19, 2003,
- (3) USSN 10/611,454, filed June 30, 2003,
- (4) USSN 10/611,259 filed June 30, 2003,
- (5) USSN 10/611,455 filed June 30, 2003, and
- (6) USSN 10/611,453 filed June 30, 2003.

USSN 10/610,776, USSN 10/611,454, and USSN 10/611,455 have also been allocated to the Examiner. Applicants note that USSN 10/611,259, USSN 10/611,453, USSN 10/742,700 have been allocated to Examiner Jason Salce in Group 2623.

For the Examiner's information, applicants also inform the Examiner that the Assignee of the present application is also owner of the following family of patents and applications:

- (1) USPN 5,818,438 corresponding to USSN 08/428,718 filed April 25, 1995,
- (2) USPN 6,502,242 corresponding to USSN 09/018,767 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (3) USPN 6,826,775 corresponding to USSN 09/019,534 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (4) USPN 5,892,508 corresponding to USSN 09/019,531 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (5) USPN 6,567,982 corresponding to USSN 09/116,325 filed July 15, 1998, which is a continuation of USPN 5,818,438,
- (6) USSN 10/335,835 filed January 2, 2003, which is a divisional of USPN 6,567,982,
- (7) USSN 10/335,735 filed January 2, 2003, which is a divisional of USPN 6,567,982, and
- (8) USSN 11/644,045 filed December 22, 2006, which is a continuation of USSN 10/335,835 filed January 2, 2003 which is in turn a divisional of USPN

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6,567,982.

**CONCLUSION**

For the foregoing reasons, applicants respectfully request that all of claims 1-62 be allowed. The undersigned would be pleased to answer any questions the Examiner may have or otherwise be of assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", with a long, sweeping horizontal line extending to the right.

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